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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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EXAMINER

APPLE, KIRSTEN SACHWITZ

ART UNIT	PAPER NUMBER
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3628

DATE MAILED: 01/04/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/765,789	ROBINSON, TIMOTHY	
	Examiner	Art Unit	
	Kirsten S. Apple	3628	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 30 June 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☐ Claim(s) _____ is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-39 and 49-58 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date <u>10/19/05 8/5/05</u> | 6) <input type="checkbox"/> Other: _____ |

Claim Rejections - 35 USC § 103

The Examiner has read and reviewed all of the information provided by the Applicant.

The examiner rejects as final claims 1-39 and 49-58 under 35 USC 103.

The Applicant attention is re-drawn to the following:

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-7, 9-24, 26-36, and 49-55 are rejected under 35 U.S.C. 103(a) as being unpatentable over Drummond et al. (6,598,023) in view of Foadare et al. (5,914,472).

With regard to claims 1 and 18, Drummond et al. teaches a method for providing approval for "a person" to access a value account controlled by a primary account holder

(SEE Drummond et al. column 3, lines 5 to column 4, lines 15 teaches, "It is an object of the present invention to provide an automated banking machine at which a user may conduct transactions. It is a further object of the present invention to provide an automated banking machine that may be operated through connection to a wide area network". . . . "It is a further object of the present invention to provide an automated banking machine that enables the connection of the banking machine to a user's home institution through HTML documents and TCP/IP messages generated responsive to indicia on a card input by a user." . . . "It is a further object of the present invention to provide an automated banking machine and system that is operable through connection to the Internet." . . . "It is a further object of the present invention to

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provide an automated banking machine which provides additional options for identifying authorized users..... It is a further object of the present invention to provide an automated banking machine that can be used in connection with existing transaction systems while providing enhanced functionality. ")

the process comprising: receiving a biological sample proffered by "the person" via a biological identification device comparing the proffered biological sample to biological identification data stored in a database making a determination of whether "the person" has been authorized by the primary account holder to access the value account and in the event that "the person" is determined to be authorized to access the account transmitting an approval signal indicating that "the person" may have access to the value account

(SEE Drummond et al. column 12, lines 63- column 13 teaches; "The data necessary to derive the address for accessing documents associated with a customer could also be derived from inputs to input devices other than or in addition to card data, including for example biometric data which is input by a customer through a biometric reading device. Such biometric data may include for example, data corresponding to one or more fingerprints, data from the user's appearance or combinations thereof. For example and without limitation, data input by a customer such as through a card input to a card reader may correspond to an address for accessing an HTTP record, which may be a file or document which includes information which can be used for verifying the identity of a user. This record could include data corresponding to a PIN number. The information may include biometric data corresponding to the authorized user of the card. The browser may access the record and use the contents of the record such as data and/or instructions to verify that the indicia corresponding to biometric data in the record

corresponds to the biometric data of the user entering the card. Alternatively, input data representative of appearance, voice, other features (or combinations thereof) or other input data, may be used to generate one or more addresses which correspond to a user, and the content of the record at the accessed address used to verify that the user at the machine corresponds to the user associated with the record. "),

With further regard to claim 1 Drummond et al. does not illustrate the obvious case wherein "a person" can be "a third Part" Drummond et al. instead only directly illustrates "a person" being "a primary account holder".

However Foladare et al. (5,914,472) teaches "a person" can be a "third party" such as a child of the primary account holder the parent.

(SEE Foladare abstract "A system and method for allowing a parent to control the use of an ANCILLARY credit or debit transaction card which is issued to a child. A central computer communicates with an issuer computer having a data base containing account information and spending limits for the transaction card and the parent can set a spending limit for the ancillary card given to the child." . . . "If the credit limit of the ancillary card holder has been exceeded according to the data base, a method of contacting the parent is transmitted to the central computer. The central computer initiates contact with the parent via two-way communications, for example, two way pager, cellular telephone, or other personal communication service, and queries the parent whether to authorize the transaction by increasing the spending limit of the ancillary cardholder or refusal of the transaction. The parent responds to the central computer via the two-way communications device, and the central computer forwards an approval/refusal code

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to the merchant. In this manner, a parent can control the maximum transaction card spending by a child.)

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the Drummond et al. method so "a third party" such as a child could use the value account in addition to the primary account holder as taught by Foladare the secondary reference because Foladare clearly suggest additional desirable uses for the Drummond value account such as allowing the child to use the value account while having the added desirable feature of setting a spending limit for that child.

With regard to claims 2 and 19 the combination of Drummond et al. and Foladare et al. teaches the method for providing approval as claimed in claims 1 or 18, the method further comprising: receiving an identification code proffered by the third party, wherein making the determination is performed based on both the identification code and comparing the proffered biological sample

(SEE Drummond et al. column 12, lines 63- column 13 teaches; "The data necessary to derive the address for accessing documents associated with a customer could also be derived from inputs to input devices other than or in addition to card data, including for example biometric data which is input by a customer through a biometric reading device. . . . "This record could include data corresponding to a PIN number"... information may include biometric data corresponding to the authorized user of the card. The browser may access the record and use the contents of the record such as data and/or instructions to verify that the indicia corresponding to biometric data in the record corresponds to the biometric data of the user entering the card. ").

With regard to claims 3 and 20 the combination of Drummond et al. and Foladare et al. does not illustrate the method for providing approval as claimed in claims 2 and 19, wherein the identification code corresponds to a credit card number. However it is well known in the prior art that a credit card can also be used at an atm machine to get a cash advance and one would be motivated to make the card multi usable to create more demand for the card and further examiner declares OFFICIAL NOTICE this above feature "credit cards used at ATM machines" was known.

With regard to claims 4 and 21 the combination of Drummond et al. and Foladare et al. does not illustrate the method for providing approval as claimed in claim 2 and 19, wherein the identification code corresponds to a signal from an RF transponder device. However it is well known in the prior art use "smart cards" instead of magstripe cards. A "smart card" is a credit card that has a built-in micro controller (MCU) which enables the card to modify, or even create, data in response to external stimuli. The micro controller is a single-wafer integrated circuit (IC) which is mounted on an otherwise plastic credit card and further examiner declares OFFICIAL NOTICE that "smart cards have a transducer" used to transmit data and one is motivated to use a smart card because it can carry a lot of information compared to magnetic strips on the back of a credit card (SEE Drummond et al. column 12 line 57 Alternatively, if the customer's card is a "smart" card which includes semiconductor storage thereon, the URL address associated with the customer may be included as part of the stored data on the integrated circuit chip on the customer's card")

With regard to claims 5 and 22 the combination of Drummond et al. and Foladare et al. teaches 5 the method for providing approval as claimed in claims 2 and 19, wherein the

identification code corresponds to a magnetic ink character recognition code read from a negotiable instrument (SEE column 12, lines 44-67 "The address may be encoded on track 3 of a magnetic stripe, in other locations within the magnetic stripe data or through encoding other readable indicia on the card.")

With regard to claims 6 and 23 the combination of Drummond et al. and Foladare et al. teaches the method for providing approval as claimed in claims 2 and 19, wherein the identification code corresponds to a public_ encryption key (SEE Drummond et al. column 15, lines 25-43).

With regard to claims 7 and 24 the combination of Drummond et al. and Foladare et al. does not illustrate the method for providing approval as claimed in claims 2 and 19, wherein the identification code corresponds to a DL swipe. However it is well known in the prior art to use the "DL ?????" or "Drivers license?????" for identification purposes and one would be motivated to use it as an identification code because a user usually has a unique drivers license on them so if they for get their identification they can just look at their drivers license and further examiner declares OFFICIAL NOTICE this above feature "DL used as identification" was known).

With regard to claims 9 and 10, the combination of Drummond et al. and Foladare et al. teaches the method for providing approval as claimed in claim 2, wherein the identification code can be absolutely or reasonably unique, because a drivers license is absolutely unique and a 4 digit pin number is reasonably unique because it is possible that other people have it but since access also requires a biometric sample there should be no problems.

With regard to claims 11-14 and 26-29 the combination of Drummond et al. and Foladare et al. teaches the method for providing approval as claimed in claims 1 and 18, wherein the biological sample corresponds to a fingerprint, an iris scan, a facial scan, or a voice scan of the third party (SEE Drummond et al. column 13, lines 4-32).

With regard to claims 15-17 the combination of Drummond et al. and Foladare et al. teaches the method for providing approval as claimed in claim 1, further comprising: in the event that the approval signal is transmitted, transmitting a notification signal to the primary account holder indicating that the third party has accessed the value account, wherein the notification signal is transmitted to a wireless device or wherein the notification signal is transmitted as an email message

(SEE Foladare et al. abstract, "The central computer initiates contact with the parent via two-way communications, for example, two way pager, cellular telephone, or other personal communication service, and queries the parent whether to authorize the transaction also SEE Foladare et al. column 6, lines 34-41, °Alternative communications methods may be used to contact the account holder for approval refusal of a pending transaction. For example, electronic messaging via personal communications device may be accomplished using e-mail or other digital or analog communications means, so long as the account holder receives information about the pending procurement transaction and has the ability to approve or refuse a pending transaction in a timely manner").

With regard to claim 30 the combination of Drummond et al. and Foladare et al. was found above in claims 1 and 18 to read on most of the limitations in claim 30 and in addition the combination of Drummond et al. and Foladare et al. discloses "receiving transaction data

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corresponding to a transaction on the value account, and it is determined that the transaction data does not go beyond the predetermined transaction parameter limit"

(SEE Foladare et al. figure 1, item 106 "AMOUNT EXCEEDED?" AND FURTHER ITEMS 108, 110, 112, 116, 120).

With regard to claim 31 the combination of Drummond et al. and Foladare et al. discloses the method for providing approval claimed in claim 30, wherein the predetermined transaction parameter limit has been set by the primary account holder (SEE Foladare et al. abstract "if the credit limit of the ancillary card holder has been exceeded according to the data base, a method of contacting the parent is transmitted to the central computer.").

With regard to claim 32 the combination of Drummond et al. and Foladare et al. discloses the method for providing approval claimed in claim 30, wherein the transaction data comprises the value of the transaction (the "value of the transaction" is essential information therefore it is clearly obvious to include this information so all accounts can be credited properly).

With regard to claims 33 and 34 the combination of Drummond et al. and Foladare et al. discloses 33 does not directly teach the method for providing approval claimed in claim 30, wherein the transaction data comprises the geographical location of where the transaction is initiated or fulfilled, but this was a well known standard practice for example when you get your statement you have the city or state listed by the place of business one is motivated to do this so customer can more easily detect improper use and further examiner declares OFFICIAL NOTICE that "listing geographical information on the credit card statement" is well known in the prior art.

With regard to claims 35 and 36 the combination of Drummond et al. and Foladare et al. discloses the method for providing approval claimed in claim 30, wherein the transaction data comprises whether the transaction is a cash advance, a purchase of merchandise, (the "type of the transaction" is essential information therefore it is clearly obvious to include this information so all accounts can be credited properly).

With regard to claim 49 the combination of Drummond et al. and Foladare et al. was already shown above to read on all the limitations of claim 58 (see below).

With regard to claim 50 the combination of Drummond et al. and Foladare et al. discloses the method for a primary account holder to establish authorization for access to a value account, as claimed in claim 49, wherein the biological identification device via which the biological sample is proffered is connected to a kiosk (SEE Drummond et al. figure 1, item 12 wherein kiosk is "a small structure with one or more open sides that is used to vend merchandise (as newspapers) or services (as film developing)" and thereby reads on).

With regard to claim 51 the combination of Drummond et al. and Foladare et al. discloses the method for a primary account holder to establish authorization for access to a value account, as claimed in claim 49, wherein the proffered biological sample is received via the Internet (SEE Drummond et al, figure 1, item 18 "INTERNET").

With regard to claim 52 the combination of Drummond et al. and Foladare et al. discloses the method for a primary account holder to establish authorization for access to a value account, as claimed in claim 49, wherein the biological identification device via which the biological sample is proffered is connected to a wireless communication device (SEE Foladare et al. abstract, "The central computer initiates contact with the parent via two-way communications,

for example, two way pager, cellular telephone, or other personal communication service, and queries the parent whether to authorize the transaction")

With regard to claim 53 the combination of Drummond et al. and Foladare et al. discloses the method for a primary account holder to establish authorization for access to a value account, as claimed in claim 49, wherein the identified person is a third party (SEE Foladare et al. abstract "ancillary credit or debit card which is issued to a child").

With regard to claim 54 the combination of Drummond et al. and Foladare et al. discloses the method for a primary account holder to establish authorization for access to a value account, as claimed in claim 53, wherein the third party's authorization is hierarchical with respect to other third party persons (SEE Foladare et al. abstract wherein it would have been obvious that a parent who had multiple children would have set different speeding limits based on their hierarchical maturity levels)

With regard to claim 55 the combination of Drummond et al. and Foladare et al. discloses the method for a primary account holder to establish authorization for access to a value account, as claimed in claim 49, wherein the identified person is the primary account holder (It is obvious the primary account holder has access to his value account).

Claims 8 and 25 are rejected under 35 U.S.C. 103(a) as being unpatentable over Drummond et al. (6,598,023) and Foladare et al. (5,914,472) in view of Ausems et al. (6,434,403).

With regard to claims 8 and 25 the combination of Drummond et al. and Foladare et al. does not illustrate the method for providing approval as claimed in claim 2 and 19, wherein the identification code corresponds to a wireless device selected from the group consisting of: a

bluetooth-enabled telephone, a bluetooth-enabled personal digital assistant, an infrared-enabled phone, and an infrared-enabled personal digital assistant. Foladare et al. instead teaches "wherein the means for contacting the account holder is a call placed by the central computer to an account holder's cellular telephone" thereby lacking the critical detail as to what well known standard it uses for the wireless cell such as Bluetooth or infrared.

However Ausems et al teaches these above features (SEE Ausems Column 3, lines 5-21; "FIGS. 1a-1d illustrate a PDA telephone 100 that provides the combined functionality of a Personal Digital Assistant (PDA) and a wireless telephone and may include other features as discussed below. PDA telephone 100 may be configured to store notes, track calendar appointments, store addresses, and perform other conventional PDA applications. Furthermore PDA telephone 100 may be used to initiate and receive telephone calls, track received calls, store received alphanumeric and text messages, and carry out other functions of a wireless telephone. In addition to combining such functionality into a single unit, PDA telephone 100 may be equipped with optional enhanced feature sets, including: precise positioning capabilities, smart card reader/writer capabilities, short-range wireless transceiver operations, biometric sensor security features, speaker phone functionality, video conferencing/video capture capabilities, and/or remote control capabilities." And further Column 6, lines 19-32 "Smart-card engine 260 processes encoded information received from a smart-card and also provides the smart card writing capabilities. Short-range transceiver 265 is a low-power transceiver (e.g., a Bluetooth transceiver) coupled to smart-card engine 260 and antenna 110. Short-range transceiver 265 enables PDA telephone 100 to establish a wireless link in order to communicate with other devices. According to one embodiment, smart-card engine 260 may be configured to

communicate with various point-of-sale terminals and/or other appliances via short-range transceiver 265. In such an embodiment, a user may purchase items using PDA telephone 100 and a cash card/debit card/credit card and other smart card.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the combination of Drummond et al. and Foladare method to perform additional steps of "identification code corresponds to a wireless device " as taught by Ausems et al. because Ausems et al. clearly suggest additional desirable uses for the Drummond/Foladare value account such as allowing the use of a PDA with a wireless telephone and biometric sensors when contacting various point-of-sale terminals thereby making the user more mobile with additional functionality.

Claims 37-39, 56 and 57 are rejected under 35 U.S.C. 103(a) as being unpatentable over the combination of Drummond et al. (6,598,023) and Foladare et al. (5,914,472) in further view of Cohen (6,422,462).

With regard to claims 37-39, 56, and 57 the combination of Drummond et al. and Foladare et al. does not directly teach the method for providing approval claimed in claim 30, wherein the transaction data comprises the type of merchant conducting the transaction, type of merchandise being purchased in the transaction and wherein the predetermined transaction parameter places a limit on the number and amount of transactions occurring over a predetermined period of time.

However Cohen teaches these above features;

(SEE Cohen teaches in column 7, line 66 to column 9, line 7, "The card can also be customized for only particular uses or groups of uses. In this manner, the main cardholder (e.g. a

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corporation, a parent, etc.) can determine in advance what the card can or should be used for. For example, the card could be customized so that it is only good for airline reservations, such that if the employee tries to use it for any other type of charge, the charge will be declined". . . "The card can also be customized for use only by a specific individual, by certain groups of individuals, or so forth. A parent could provide a customized use card which is for use by his or her son or daughter," . . . "A customized credit card could be issued to the user which is only valid for use for that particular type of charge (computer hardware and software stores) and to the credit limit decided by the issuer or authorizing party..... As another example, a parent could give a teenage child a card to go out and make a specific purchase for the child or for the parent. The card could be valid only for purchase on that particular day, to a certain designated purchase limit, and even, if desired only in a certain store, or group of stores or types of stores (e.g. clothing stores), or types of purchases or items. The main account could have, for example, a \$1500 credit card limit, but the parent could set a \$100 limit for use of the customized card on that particular day." . . . "This minimizes the amount of credit card loss which can occur, and increases the chances of catching the thief." . . . "The card could also be customized to be valid only in a particular region." . . . "The amount of credit on the card could be as high as the credit on the main account, or alternatively, could also be customized. The main cardholder (e.g. the corporation, the parent, etc.) can set how much credit is on the particular card for the sub user (e.g. the employee). This can be done in some fixed manner, on the basis of some formula, or so forth.")

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the combination of Drummond et al. and Foladare method to perform

additional steps of claims 37-39 as taught by Cohen because Cohen clearly suggest additional desirable uses for the Drummond/Foladare value account such as allowing the user to better control what the child can spend money on.

With regard to claim 56 the combination of Drummond et al. /Foladare et al./Cohen discloses the method for a primary account holder to establish authorization for access to a value account, as claimed in claim 49, further comprising: presenting options for contingency limitations on access to the value account; receiving one or more selections of contingency limitations according to the options presented; wherein the identified person's access to the value account is further subject to the contingency limitations selected (SEE Cohen teaches in column 7, line 66 to column 9, line 7).

With regard to claim 57 the combination of Drummond et al. and Foladare et al. discloses the method for a primary account holder to establish authorization for access to a value account, as claimed in claim 56, wherein the identified person's access to the value account is subject to the condition that access is permitted only in the contingent event that another value account has become overdrawn (SEE Drummond et al. column 13, lines 20-32 "The information in the record corresponding to a user may likewise be used to authorize certain functional devices on the machine to operate for the user while other devices may not. For example, a user who is overdrawn may have information in the record accessed that prevents them from actuating the cash dispenser, while users who are not overdrawn may include information which enables such operation. Alternatively, the absence of information in a corresponding record may enable operation, while the inclusion of information selectively limits the operation of devices").

With regard to claims 58 the combination of Drummond et al. and Foladare et al. was found above in claims 1, 18 and 30 to read on most of the limitations in claims 49 and in addition

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the combination of Drummond et al. and Foladare et al. discloses transmitting a signal to an empowered party indicating that "the person" has initiated a transaction involving the account receiving a signal from the empowered party indicative of whether the transaction is approved wherein the empowered party is the primary account holder only or an agent of the primary account holder (SEE Foladare et al. figure 1, item 106 "AMOUNT EXCEEDED?" AND FURTHER ITEMS 108, 110, 112, 116, 120 and since the account holder can be titled jointly held by both parents it reads on this limitation).

In addition, with regards to the additional feature in Claim 58 (over canceled Claim 40) of "system identification number" this is found in Drummond "This record could include data corresponding to a PIN number." It would be known to one of ordinary skill in the art at the time of the invention to use a "identification number" with or in place of the "biological sample."

Response to Arguments

Applicant's arguments filed June 30, 2005 have been fully considered but they are not persuasive.

In particular, and respect to Claim 1 the Applicant argued 1st:

"Foladare... Authorization is therefore based on the **identity of the card.**

In Applicant's example claim 1, authorization is based on the **identity of the person. ...**

The card-based access disclosed by Foldare is entirely distinct from Applicant's claimed user-based biometric access."

The Examiner refutes the argument made by the Applicant and draws the attention to Drummond column 12, lines 63-column 13 "for example biometric reading device." Drummond teaching in view of Foldare clearly teaches "identity of the person."

The Applicant argued 2nd:

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“Foladare ... for use on a single account... providing a dedicated access mechanism to a single credit or debit facility.

In Applicant’s example claim 1, ... The third party can have access to his own accounts (with unlimited access) as well as accounts held by others (with limited access).

The biometric access [of applicant Claim 1] to the transaction system enables flexible usage of accounts. This is in sharp contrast to the ancillary card access of Foldare, which is limited to a particular account that originated the ancillary card.”

Based on the newly added information to the amended claims the applicant now states “determining accounts to which the third party has access, at least one of said determined accounts being the value account.” The examiner would like to point out that nowhere in the applicant’s original claim 1 does it describe an account with access to his own account as well as accounts held by other. However based on the new matter the claims OFFICIAL NOTICE of an account holder having more than one account and verify such information. It would be known to one of ordinary skill in the art at the time of the invention that a third party could have multiple accounts. These could be multiple checking account, credit card accounts, line of credit accounts, etc or any combination thereof is very common for any individual to have with any financial institution.

Applicants argued 3rd, that “the examiner has not provided a prima facie case of obviousness in showing how the conventional biometric account access of Drummond would be modified using Foladare’s third-party ancillary card access to produce Applicant’s claimed invention.”

The Examiner refutes the argument made by the Applicant and draws the attention to Office Action Summary dated 3/31/05 page 1-4 clearly outlines that Drummond and Foladare combined will produce all the elements of the applicants claimed invention.

Applicants argued 4th, that “the examiner has not set forth how Drummond and Foldare teach claim 49.”

The Examiner would like to make a note for the record that there was a misprint in Office Action Summary dated 3/31/05 page 12 incorrectly stated.

“With regard to claim 49 the combination of Drummond et al. and Foladare et al. was already shown above to read on all the limitations of claim 49.”

Should have said:

“With regard to claim 49 the combination of Drummond et al. and Foladare et al. was already shown above to read on all the limitations of claim 40.” (note claim 40 has been canceled and claim 58 has been added in its place.)

With this correction the examiner argues it is now clear Drummond and Foldare teach claim 49 from the previous Office Action.

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Contact Details


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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kirsten S. Apple whose telephone number is 571.272.5588. The examiner can normally be reached on Monday - Friday 7:30-6:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Sam Sough can be reached on 571.272.6799. The fax phone number for the organization where this application or proceeding is assigned is 571-272-6126.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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